

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GEORGE BENN,

Plaintiff,

-against-

THE CITY OF NEW YORK, DET. FELIX CRUZ, Shield No. 1454, Individually and in his Official Capacity, DET. GERARD DIMURO, Shield No. 2615, Individually and in his Official Capacity, DET. "JOHN DOES" 1-2 of the 23rd Precinct of the New York City Police Department, Individually and in their Official Capacities, CORRECTIONS DEPARTMENT CAPTAIN DELROY MORRISON, Shield No. 1293, Individually and in his Official Capacity, C.O. XAVIER MCNEIL, Shield No. 12860, Individually and in his Official Capacity, C.O. MATTHEW LANDOW, Shield NO. 10333, Individually and in his Official Capacity, C.O. JONATHEN POWELL, Shield No. 6313, Individually and in his Official Capacity, C.O. JERMAIN PHILLIPS, Shield No. 8052, Individually and in his Official Capacity, C.O. GORDON NOEL, Shield NO. 3784, Individually and in his Official Capacity, C.O. SANDRA MURRAY, Shield No. 4672, Individually and in her Official Capacity,

Defendants.
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**NOTICE OF MOTION FOR
PARTIAL SUMMARY
JUDGMENT**

18 Civ. 722(LGS)

PLEASE TAKE NOTICE, that upon the declaration of Christopher G. Arko, dated September 22, 2020, and the exhibits annexed thereto, the memorandum of law dated September 22, 2020, and upon all prior pleadings and proceedings herein, defendants City of New York, Detective Felix Cruz, Detective Gerard DiMuro, Correction Captain Delroy Morrison, Correction Officer Xavier McNeil, Correction Officer Matthew Landow, Correction Officer Jonathen Powell, Correction Officer Jermain Phillips, and Correction Officer Gordon Noel¹ will move this Court before the Honorable Lorna G. Schofield, United States District Judge, at the United States District Court for the Southern District of New York, located at 40

¹ Defendant Correction Officer Sandra Murray is no longer employed by DOC and was not served with the complaint.

Foley Square, New York, New York at a date and time to be determined by the Court, for partial summary judgment in favor of defendants pursuant to Rule 56 of the Federal Rules of Civil Procedure, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Court Order dated August 18, 2020, plaintiff's opposition papers, if any, shall be served on the undersigned no later than October 27, 2020; and

PLEASE TAKE FURTHER NOTICE, that pursuant to the same Court Order dated August 18, 2020, the City's reply papers, if any, shall be served on plaintiff by November 6, 2020.

Dated: September 22, 2020
New York, NY

JAMES E. JOHNSON

Corporation Counsel of the City of New York
*Attorney for defendants City of New York, Detective
Felix Cruz, Detective Gerard DiMuro, Correction
Captain Delroy Morrison, Correction Officer
Xavier McNeil, Correction Officer Matthew
Landow, Correction Officer Jonathen Powell,
Correction Officer Jermain Phillips, and Correction
Officer Gordon Noel*
100 Church Street
New York, New York 10007
(212) 356-5044

By: /s/ Christopher G. Arko
Christopher G. Arko
Senior Counsel
Special Federal Litigation Division

cc: Richard Soto, Esq. (by ECF)
Arthur Schwartz, Esq. (by ECF)
Attorneys for plaintiff

18 Civ. 722 (LGS)

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Defendants.

NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT

JAMES E. JOHNSON

Corporation Counsel of the City of New York
Attorney for defendants City of New York, Detective Felix Cruz, Detective Gerard DiMuro, Correction Captain Delroy Morrison, Correction Officer Xavier McNeil, Correction Officer Matthew Landow, Correction Officer Jonathen Powell, Correction Officer Jermain Phillips, and Correction Officer Gordon Noel

100 Church Street Rm. 3-200
New York, N.Y. 10007

Of Counsel: Christopher G. Arko
Tel: (212) 356-5044

Due and timely service is hereby admitted.
New York, N.Y., 2020 . . .
.....Esq.
Attorney for.....